

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

April 10, 2014

**5:30 P.M.**

**MINUTES**

**Present:** Mayor James Calnon, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Paul O'Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

**Absent:** **Councilor Dale Dowdle (W3)**

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**Councilor Kasper** said I'd like to make a statement on behalf of the Mayor and the Plattsburgh City Council offering our condolences to the family and friends of Kodi Beckles, who passed away this last weekend. Kodi was one of a great many Plattsburgh students who made a choice to come here to our community; to join a new family, to launch a professional career and to invest in the potential for a really good life. And we would like to acknowledge how important all of the students are to the life of our community and especially Kodi and how deeply regretful we are for his untimely death.

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the regular meeting of the Common Council held on March 27, 2014 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kelly; Seconded by Councilor Armstrong

Roll call: Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending April 2, 2014 in the amount of \$ **253,866.06** and April 9, 2014 in the amount of \$ **270,213.09** are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kretser; Seconded by Councilor Kasper

Roll call: Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser

(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the weeks of March 27 – April 9, 2014
- Report from the Building Inspector's office April 8, 2014
- Report of the Work Session of the Common Council held on April 3, 2014

**RESOLVED:** That the reports as listed are hereby ordered received and placed on file among the public records of the City Clerk's Office.

By Councilor O'Connell; Seconded by Councilor Armstrong  
Roll call: Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser  
(All voted in the affirmative)

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**4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council for the weeks ending April 4, 2014 in the amount of \$ 587,723.36 and April 11, 2014 in the amount of \$ 686,363.60 are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kelly; Seconded by Councilor Kasper  
Roll call: Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser  
(All voted in the affirmative)

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**6. PERSONS ADDRESSING COUNCIL:**

**Mayor Calnon** acknowledged and awarded a City of Plattsburgh Key to the City plaque to Coach Houle and the NCAA 2014 Champions SUNY Cardinal Women's Hockey team.

**Andrew Golt** 17 Couch Street spoke about 15 Couch Street, Route 3 snow removal so people can walk and no sidewalks, corner of Broad Street/ North Catherine red light and cars running them.

**Mayor Calnon** said we have already tasked the City Engineer to investigate which property on Route 3 is City property and which property is individually owned so that we can address the walking issue. It is not uniform all the way up.

**John Middleton** spoke about the Apostles for Life request. He has participated for 43 years in various places. This is the first time in 10 years that this request has been turned down. They hold a prayer vigil which lasts a little less than one hour. We are asking for 3 spaces at 66 Brinkerhoff. What we do is pray the Stations of the Cross they are led by clergy. We monitor our own group. We've never called the police that I know of. The police have been called many times by people on the other side of the issue. But, we've had no reason to call the police. We would like to ask you to reconsider because these are public places, 2 hour parking. That's all we're asking to reconsider and be fair about it.

**Dr. Jerome Davis** spoke about the railroad that goes through here, CP Rail. They seem to arrive any time of the day or night there's no limitations. Their trains are extremely long and they go too fast. I would like you to talk about someday rerouting the tracks get them away from populated areas.

**Carol Klepper** 17 Couch Street spoke about trains, Lake Champlain a national resource, Hamilton/MacDonough and Club Rd cars not stopping at intersection thinks it needs a traffic light,

resurfacing /repave Hamilton Street, spoke about 15 Couch street, City Code needs to be changed it has omitted cars parking on grass, grass no longer there.

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## **7. OTHER ITEMS:**

### **A. ADOPTION OF LOCAL LAW P-2 OF 2014**

**RESOLVED:** Local Law P-2 of 2014 amending City Charter Section C2-2 and Superseding Public Officer's Law §3 Regarding Residency and Other Qualifications for City Officers. A copy of said local law is made part of the minutes of this meeting.

1. City Charter Section C2-2 is amended and restated to read as follows:

§C2-2. Eligibility of city officers.

1. No person shall be elected to the office of Mayor or City Councilor, or appointed to fill a vacancy in such position (s), unless he shall have been for at least thirty (30) days prior to such election or appointment a resident elector of said city, and the election or appointment of any person not so qualified shall be void. Whenever any such officer of said city shall cease to be a resident of said city, or of the district or ward for which he was elected or appointed, his office shall hereby become vacant.
2. No person shall be appointed City Judge or Corporation Counsel unless he shall have been admitted to practice law before the courts of the State of New York at least five (5) years prior to his appointment.
3. Except for the office of Mayor or City Councilor, Public Officers Law §3, which requires that a person appointed to a local office reside within the locality at the time of their appointment and during their tenure in office, is hereby superseded.
4. Qualifications for appointment to and holding City office, including residency requirements, if any, may be adopted by local law or ordinance.

2. This local law shall take effect immediately upon filing with the Secretary of State.

By Councilor Kasper; Seconded by Councilor Armstrong

Discussion:

**Mayor Calnon** said **Corporation Counsel** has suggested that we make an **amendment to item #3 above:**

“3. Pursuant to the authority granted by the Municipal Home Rule Law, except for the offices of Mayor, City Councilor, City Court Judge and Acting City Court Judge, **Public Officers Law § 3**, which requires that a person appointed to a local office reside within the locality at the time of their

appointment and during their tenure in office, is hereby superseded to not require City residency as a condition of appointment to, or holding, a City office. “

By Councilor Kasper; Seconded by Councilor Kretser

Discussion:

**Councilor O’Connell** said I want to point out that I have a concern as far as if we have qualified people that are from within the City. I would hope that we would want to try to lean that way. But it does give us leeway if we don’t have a qualified person and that’s probably why I’m going to support it.

Roll call: Councilors Armstrong, Kelly, O’Connell, Kasper, Kretser  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves amending the management pay scale to add the position of Director of Information Technology and to correct and ratify prior hiring rates, per the attached memo.

By Councilor Armstrong; Seconded by Councilor O’Connell

Discussion: None

Roll call: Councilors Armstrong, Kelly, O’Connell, Kasper, Kretser  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**C. RESOLVED:** In accordance with the request therefore the Common Council approves Contract # 2014-08 “Supplying of Ready Mix Concrete” be awarded to Graymont Materials NY Inc. for a total estimated cost of \$38,600.

By Councilor Kelly; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, O’Connell, Kasper, Kretser  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**D. RESOLVED:** In accordance with the request therefore the Common Council approves an agreement with AES Northeast for “Cumberland Avenue Pump Station-Electrical Upgrade.” The total estimated amount for all of the services is \$18,052 plus reimbursables.

By Councilor Kretser; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**E. RESOLVED:** In accordance with the request therefore the Common Council approves that the Apostles of Life, an unincorporated association affiliated with Our Lady of Victory Church, be granted permission to hold a prayer vigil in three parking spaces on the south side of Brinkerhoff Street opposite the Planned Parenthood clinic at 65 Brinkerhoff on April 18, 2014 between the hours of 10:00 am and 11:00 am.

By Councilor Armstrong; Seconded by Councilor Kasper

Discussion:

**Councilor O'Connell** said I've been by there I just don't know which 3 spots they'd be. I'm going to be for it because I was on the original one at 66. If it was a little bit more explanatory I could understand what I'm voting on. There's not 3 spots there.

**Mayor Calnon** said we will assign Mr. Brodi to cordon off the appropriate parking spaces.

**Councilor O'Connell** said will it interfere with the driveway?

**Mayor Calnon** said no.

**Councilor O'Connell** said I am for this; I was for the other one. I still don't know why it wasn't passed.

**Councilor Armstrong** said I can clarify that.

**Councilor O'Connell** said there's no clarification. I understand why it wasn't passed people voted no. You don't need to clarify why that wasn't passed; four people said no and 2 people said yes. As an opinion, I couldn't understand why it wasn't.

**Councilor Armstrong** said I would like to acknowledge that this was a compromise that I felt was necessary in order to respect the free speech rights of the Apostles for Life. And at the same time acknowledge in a way that I felt hadn't been done before. The rights to access the services of a legal business without impediment, now, impediment I'm going to use as broadly as you can imagine. What your idea of an impediment is may not be the same as mine especially if I'm seeking those services at Planned Parenthood. So to me this was a way of acknowledging that 2 groups had legal rights and we had to preserve both.

Roll call: Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser

(Councilors Armstrong, O'Connell, Kasper and Kretser voted in the affirmative. Councilor Kelly voted in the negative.)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**F. RESOLVED:** In accordance with the request therefore the Common Council approves The Pepper located at 13 City Hall Place to use two parking spaces in front of their establishment for outdoor dining seating. The owners will contact Concrete Supply or similar and are prepared to purchase concrete barriers. The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2014– September 30, 2014.

By Councilor Kretser; Seconded by Councilor Armstrong  
Discussion:

**Councilor Kasper** spoke about the community feedback they received on Joshua's idea to close down streets and the concern for the loss of parking spaces and she is fully in favor of increased commerce. But what we have here is a small attrition over the years. As we set precedent and more and more of these businesses we are now happily granting them parking spaces. I just really wonder to what degree that has the same kind of impact on the community as the proposal to close down streets. Another concern from the community if streets were closed was that businesses could not receive deliveries. How are the businesses that are using parking spaces for outdoor seating receiving their deliveries, now?

**Mayor Calnon** said the suppliers don't stop directly in front of their business they stop a short way up the road to make their deliveries

**Councilor Kasper** said is that a hindrance to the business they are parking in front of?

**Mayor Calnon** said I can speak directly to the ones on City Hall Place we allow them to pull up to a section where there is no parking when they deliver, and since they are not all day parking whatever inconvenience there is, is fairly short term.

**Councilor Kasper** spoke about the process altogether. Researched and found that this originated in San Francisco and are called "park lets." Asked if we had a comprehensive plan which stipulated what you are responsible for, is it public space, do you pay a fee for it, etc. She is thinking about a comprehensive plan for downtown, increase in commerce and getting a tradeoff for the residents of the city. Business gets something what are the residents getting back too. Wants an alternative to the concrete barriers for beautification. Think more comprehensively and next year to have guidelines, etc.

**Councilor Kelly** said he was voting for all of these proposals and excited about them. It says our city's alive and vibrant. One concern a voter shared with him that his friends work in one of the restaurants and are paid minimum wage. The restaurant receives some benefit from the city granting this permission. Why can't that restaurant pass that on to the employees? I know we can't do anything about that but I want to let that voter know that I'm concerned about that. And I would like to see every restaurant and every business in the city pay a living wage to all of its employees.

**Councilor O'Connell** concerned about the number of parking spaces. This year it is 13, next year is it going to be 23. It wouldn't be fair if we approved these and not future requests from others. If we continue to do that there may be no parking at all. I like the idea. One of his constituents asked him to do something about the tractor trailers coming down Route 9 by outdoor restaurants not very sanitary or safe or even passable when these truck goes by Irises and The Pepper on City Hall Place and asked him to reroute the trucks.

**Councilor Armstrong** said we have to at some point stop. Instead of thinking of things on a project by project basis. We have to begin to get a greater sense of the whole city and the whole downtown. What does Plattsburgh look like? What do we want, where are we going and how are we going to get there?

**Councilor Kasper** said I would like to refer this issue next year to the committee on Economic and Cultural Development.

**Mayor Calnon** suggested looking at the underlying issues of why these first started and why the need wasn't being accommodated otherwise. As we look back at former studies of things. Part of the reason why the sidewalks are as wide as they are on Margaret Street was because that was a compromise versus closing them so that there was more outdoor space. One of things that happen is there is plenty of room for outdoor dining. City Hall Place the sidewalks aren't wide enough. So maybe there's a reason why that happened that we should really start to evaluate. To say we'd rather not have concrete barriers and put tables in the street but we'd like to have tables on the sidewalk. How do we accomplish that? You are absolutely right this is a much longer term plan.

Roll call: Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**G. RESOLVED:** In accordance with the request therefore the Common Council approves Dana's Downtown Grill located at 14 Margaret Street to use three parking spaces in front of their establishment for outdoor dining seating. The owners will contact Concrete Supply or similar and are prepared to purchase concrete barriers. The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2014– September 30, 2014.

By Councilor Armstrong; Seconded by Councilor Kelly

Discussion: None

Roll call: Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**H. RESOLVED:** In accordance with the request therefore the Common Council approves Olive Ridley's located at 37 Court Street to use two parking spaces in front of their establishment for

outdoor dining seating. The owners will contact Concrete Supply or similar and are prepared to purchase concrete barriers. The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2014– September 30, 2014.

By Councilor Kretser; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**I. RESOLVED:** In accordance with the request therefore the Common Council approves Irises Café & Wine Bar located at 20-22 City Hall Place to use three parking spaces in front of 16-24 City Hall Place (Irises Café Wine Bar and DeLish by Irises) for outdoor dining seating. The owners would like to use the concrete barriers as in past years. The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2014– September 30, 2014.

By Councilor Kretser; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**J. RESOLVED:** In accordance with the request therefore the Common Council approves Aleka's Restaurant LLC located at 103 Margaret Street to use two parking spaces in front of their establishment for outdoor dining seating. The owners will contact Concrete Supply or similar and are prepared to purchase concrete barriers. The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2014– September 30, 2014.

By Councilor Kretser; Seconded by Councilor Kelly

Discussion: None

Roll call: Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**K. RESOLVED:** In accordance with the request therefore the Common Council approves the Champlain Wine Company located at 8 City Hall Place to use one parking space in front of their establishment for outdoor dining seating. The owners will contact Concrete Supply or similar and are



prepared to purchase concrete barriers. The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2014– September 30, 2014.

By Councilor Kasper; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, O’Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**L. RESOLVED:** In accordance with the request therefore the Common Council approves the City Chamberlain to make budget amendments to the Water and Sewer Funds to appropriate the funding for Capital Projects H8320.75 and H8130.60 approved in March 27, 2014 Common Council resolutions.

By Councilor Armstrong; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, O’Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**M. RESOLVED:** In accordance with the request therefore the Common Council approves Melissa Peck of the Clinton County Historical Association to hold the “I Love Clinton County Artists” art show on October 12, 2014 in the Community Room at the City Recreation Center from 9am-5pm.

By Councilor Armstrong; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, O’Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**N. RESOLVED:** In accordance with the request therefore the Common Council approves Cathlyn Lamitie of Hospice of the North Country to hold a Memorial Butterfly Release on Saturday June 7, 2014 at Melissa Penfield Park from 10am-12pm.

By Councilor Kelly; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, O’Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**8. TRAVEL REQUEST:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves one Police Officer to attend “Law Enforcement Training Directors of NYS Spring Conference” in Lake Placid, NY from May 13-16, 2014 at a cost not to exceed \$539.24 and will be expensed to Asset Seizure Fund (training expenses).

By Councilor O’Connell; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, O’Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves a civilian employee to attend “New York Statewide TraCs Lead Agency users Meeting” in Syracuse, NY from May 19-20, 2014 at a cost not to exceed \$333.76 and will be expensed to Asset Seizure Fund (training expenses).

By Councilor Kasper; Seconded by Councilor Kelly

Discussion:

**Councilor O’Connell** asked what department the Civilian Employee was from.

**Mayor Calnon** answered the Police Department.

Roll call: Councilors Armstrong, Kelly, O’Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**C. RESOLVED:** In accordance with the request therefore the Common Council approves Mayor Calnon to attend the “NYCOM 105<sup>th</sup> Annual Meeting” in Saratoga Springs, NY from May 4 – 6, 2014 at a cost not to exceed \$900.

By Councilor Kelly; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, O’Connell, Kasper, Kretser

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**9. RESOLUTIONS FOR INITIAL CONSIDERATION:**

1. A resolution in Opposition to County Election Charge-Backs to Municipalities.

**Mayor Calnon** said we are leaving it on for initial consideration at this point because we do not have the additional information that we need to make a determination. We expect to have that shortly.

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## **10. NEW BUSINESS:**

**Councilor Armstrong** spoke about the residents concern about the railroad coming through our area. She received a phone call today from someone who is working very closely with many fire departments and city officials throughout the Hudson Valley. He enjoined me to work with my fellow Councilors and the Mayor to raise public awareness regarding the danger of the transport in what he termed a rail pipeline of crude from the tar sands through the Hudson Valley. We need to make very clear our intention to strengthen in whatever way we can our policies regarding the transport of this and other hazardous materials through our area. I am stating my intention to take up this cause and enlist my fellow Council and the Mayor toward this effort.

**Mayor Calnon** said that Eric Day from Clinton County Emergency Management Department has indicated that he would be very happy to meet with us that in his office so we'll arrange that.

**Councilor Kretser** has received calls from constituents, building and business owner's downtown regarding Parking Enforcement. I'd like to bring that up in a work session to get information about parking enforcement in the city.

**Mayor Calnon** said one of the reasons why you may be getting more attention to that is our Parking Enforcement officer has left our employ and we are in the process of replacing. It has suffered certainly in the last few weeks.

**Councilor O'Connell** announced Monday at 6pm at the Elks Club we are conducting a Forum for Ward 4 and Ward 5. Your all invited and you don't have to be from those Ward's come on over and give us your input.

**Councilor Armstrong** spoke about the Ward 1 Forum she held on Monday. It is really healthy and a symptom of a rejuvenation of Democracy in Plattsburgh.

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## **11. CLOSING PUBLIC COMMENTS:**

**Laverne Hicks, 9 Alex Way** spoke about a lawsuit she initiated against the City of Plattsburgh, Planning Board and Bombardier 2 years ago. We claimed we were residential and the city claimed we were industrial. We have submitted enough information to the courts that the judge has said we have a trialable case and agreed with us. We received word on this a week ago this past Wednesday. I would hope that all of you would receive word on it by the next day, but, I know that our Councilor didn't. I'm wondering if Mr. Calnon you're going to be like your predecessors and shove it under the rug.

**Mayor Calnon** said let me clear up the rules. You are not to address any of us individually your comments will go to the Council that's part of the adopted rules of comment.

**Laverne Hicks, 9 Alex Way** said I know that a lot of advice Mr. Clute has given the previous Mayor's has not always been in the best interest of the City.

**Mayor Calnon** said you're out of order again.

**Laverne Hicks, 9 Alex Way** said then I'm out of order.

**Mayor Calnon** said you'll be removed if you remain that way ma'am.

**Laverne Hicks, 9 Alex Way** said let's hope this Council does not allow this to happen anymore. Like I said two weeks ago, choose your Corporate Counsel well. You're a group that can change our city for the best. Let's hope you do it. Keep a check on each other and don't hide anything from your constituents it could come back to bite you in the butt.

**Mayor Calnon** said before we adjourn I would just like to make a couple of comments. One is having a triable case does not mean that the judge agrees with you. It means that you have enough information to cause a trial to occur. And secondly, there's an implication that I have information about this trial that I have not shared. I do not have any information on this trial. So, I just wanted to be sure that the facts were there.

Motion to Adjourn by Councilor Kelly; Seconded by Councilor Kretser  
Roll call Councilors Armstrong, Kelly, O'Connell, Kasper, Kretser  
(All voted in the affirmative)

**MEETING ADJOURNED: 6:46pm**